REMARKS

Reconsideration is requested.

Claims 1-4, 6-9, 11-20, 22-29, 31, 34-39, 41-48 and 50 are pending. Claims 1-4, 6-9, 11-20 and 22-29 have been withdrawn from consideration.

Claims 13-20, 22-29, 35-36, 41-43 and 50 have been canceled above, without prejudice. Claims 1-9, 11 and 12 have been revised above to be dependent from compound claims 34, 37-39, and 44-48, respectively, to place the claims in condition for rejoinder and allowance with the compound claims. Entry of the present Amendment and rejoinder and allowance of the dependent method claims with the amended compound and composition claims are requested. No new matter has been added.

The Section 112, second paragraph, rejection of claim 34 is traversed. The term solvate, as claimed, is well known to those of ordinary skill in the art and the metes and bounds of same will be appreciated by one of ordinary skill in the art.

A search of the U.S. Patent Office on-line records reveals that 3,292 U.S. patents have issued since 1976 with claims containing the term "solvate". The following is a listing of the first 50 "hits" of the U.S. Patent Office search.

	PAT. NO.	Title
1	7,345,175	Biphenyl derivatives
2	7,345,093	Methods of enhancing solubility of compounds
3	7,345,087	Aminocyclohexyl ether compounds and uses thereof
4	7,345,086	Uses of ion channel modulating compounds
5	7,345,085	Indoles having anti-diabetic activity
6	7,345,060	Compounds having .beta..sub.2 adrenergic receptor agonist and muscarinic receptor antagonist activity
7	7,345,059	Diphenylpyridine derivatives, preparation and therapeutic application thereof

8 7,345,057 T 5-HT7 receptor antagonists
9 7,345,038 T Pyridyloxymethyl and benzisoxazole azabicyclic derivatives
10 7,345,033 T Carbamoyl-and thiocarbamoyl-phosphonates and pharmaceutical compositions comprising them
11 7,344,733 T Matrix controlled transdermal therapeutic system for the use of pramipexole and ropinirole
12 7,342,131 T Levodopa prodrugs, and compositions and uses thereof
13 7,342,041 T 3,4-(cyclopentyl)-fused proline compounds as inhibitors of hepatitis C virus NS3 serine protease
14 7,342,016 T Farnesyl protein transferase inhibitors as antitumor agents
15 7,342,013 T Benzamides and related inhibitors of factor Xa
16 7,341,709 T Compositions for labeling .beta.-amyloid plaques and neurofibrillary tangles
17 7,339,079 T Thyronamine derivatives and analogs and methods of use thereof
18 7,339,065 T Design and synthesis of optimized ligands for PPAR
19 7,339,060 T Preparation of cabergoline
20 7,338,976 T Heterocyclic esters or amides for vision and memory disorders
21 7,338,951 T Pyridine compounds
22 7,335,799 T Hydroxyl compounds and compositions for cholesterol management and related uses
23 7,335,689 T Dihydroxyl compounds and compositions for cholesterol management and related uses
24 7,335,670 T Derivatives of N-[heteroaryl(piperidine-2-yl) methyl]benzamide, preparation method thereof and application of same in therapeutics
25 7,335,649 T Thrombopoietin mimetics
26 7,335,648 T Non-nucleotide composition and method for inhibiting platelet aggregation
27 7,332,606 T Process for producing 1-benzyl-4-[(5,6-dimethoxy-1-indanon)-2-yl]methylpiperidine or hydrochloride thereof
28 7,332,492 T Amino substituted dibenzothiophene derivatives for the treatment of disorders mediated by NP Y5 receptor
29 7,332,484 T 2,4-pyrimidinediamine compounds and their uses
30 7,332,481 T Thrombopoietin mimetics
31 7,329,752 T Carbamate compounds as 5-HT.sub.4 receptor agonists
32 7,329,749 T Piperazinylcarbonylquinolines and -isoquinolines
33 7,329,685 T 1-Phenyl-2-oxo-3-sulfonylamino-pyrrolidine derivatives and related compounds as factor Xa inhibitors for the treatment of acute vascular diseases
34 7,329,684 T Benzimidazole derivatives as therapeutic agents
35 7,329,672 T 2,4-pyrimidinediamine compounds and their uses
36 7,329,671 T 2,4-pyrimidinediamine compounds and their uses

37 7,329,655 T Nitrogenous heterocyclic compounds
38 7,329,318 T Methods of crystal precipitation
39 7,326,792 T Heterocyclic compounds as P2X7 ion channel blockers
40 7,326,790 T Diphenylisoxazole compounds and hydro isomers thereof
41 7,326,788 T Quinolinone derivatives as inhibitors of c-fms kinase
42 7,326,732 T EP2 receptor agonists
43 7,326,729 T CXCR1 and CXCR2 chemokine antagonists
44 7,326,723 T Aralkyl-tetrahydro-pyridines, their preparation and pharmaceutical compositions containing same
45 7,326,720 T Phenyl- and pyridylpiperidines with TNF activity
46 7,326,690 T Modulation of cell fates and activities by phthalazinediones
47 7,323,585 T Levodopa prodrugs, and compositions and uses thereof
48 7,323,537 T Catalyst for production of polyester, process for producing polyester using it and titanium-containing polyethylene terephthalate
49 7,323,496 T Compounds for treatment of inflammation, diabetes and related disorders
50 7,323,494 T Compounds and methods

While the applicants have not review all of the listed patents, the claims of the first 10 listed patents at least contain a reference to "solvate" in a manner recited in the present claims, without the further recitation required by the present Examiner.

Of the patents identified in the above-described search, 74 patents were identified which include the word "solvate" in the claims and were granted by the Primary Examiner, Examiner Seaman, who signed the Office Actions of December 21, 2007 and August 23, 2007. The following list of 50 patents are the most recent of these 74 patents identified:

1 7,326,788 T Quinolinone derivatives as inhibitors of c-fms kinase
2 7,320,990 T Crystalline form of a biphenyl compound
3 7,317,102 T Diarylmethyl and related compounds
4 7,317,022 T Benzoimidazolone-carboxamide compounds as 5-HT.sub.4 receptors agonists
5 7,314,937 T Non-imidazole aryl alkylamines compounds as histamine H3 receptor antagonists, preparation and therapeutic uses

6 7,288,657 T Biphenyl compounds useful as muscarinic receptor antagonists
7 7,288,543 T Opioid receptor antagonists
8 7,256,293 T Imidazopyridine intermediates
9 7,241,907 T Acetone solvate of dimethoxy docetaxel and its process of preparation
10 7,230,108 T Quinoline derivatives as glucokinase ligands
11 7,223,776 T Compounds with anti-bacterial activity
12 7,214,798 T Derivatives of piperidinyl-and piperazinyl-alkyl carbamates, preparation methods thereof and application of same in therapeutics
13 7,202,271 T Fused pentacyclic polyethers
14 7,192,968 T Ethylenediamine derivatives
15 7,189,736 T Prodrugs of imidazopyridine derivatives
16 7,183,414 T Processes for the preparation of benzoimidazole derivatives
17 7,183,411 T Naphthol, quinoline and isoquinoline-derived urea modulators of vanilloid VR1 receptor
18 7,179,920 T 3-thia-4-arylquinolin-2-one derivatives
19 7,176,220 T 4-oxoquinoline compound and use thereof as pharmaceutical agent
20 7,176,213 T Imidazoquinoline derivatives and their use as adenosine A3 ligands
21 7,151,180 T Potassium channel modulators
22 7,145,013 T 3-thia-4-arylquinolin-2-one derivatives
23 7,141,671 T Biphenyl derivatives
24 7,132,542 T Compounds for the treatment of male erectile dysfunction
25 7,098,340 T Benzyl sulfonamide derivatives
26 7,087,758 T Quinoline inhibitors of hyaki and hyak3 kinases
27 7,087,749 T Substituted piperidine compounds and methods of their use
28 7,067,530 T Compounds, their preparation and use
29 7,064,207 T Androgen receptor antagonists
30 7,060,712 T Crystalline form of aryl aniline .beta..sub.2 adrenergic receptor agonist
31 7,057,048 T Androgen receptor antagonists
32 7,037,925 T 4-anilinoquinoline-3-carboxamides
33 7,030,246 T Tetrahydroquinoline derivatives as stat6-modulators, preparation and use thereof
34 7,030,145 T Pyridinyl derivatives for the treatment of depression
35 7,009,052 T Sulfonamide derivatives
36 6,995,174 T Hepatitis C virus inhibitors
37 6,977,266 T Pyridone derivatives having affinity for cannabinoid 2-type receptor
38 6,949,656 T Cyclic amine derivatives and use thereof
39 6,939,968 T Atropisomers of 3-substituted-4-arylquinolin-2-one derivatives
40 6,906,090 T Compositions and methods for treating mycobacterial diseases

41 6,903,215 T Glucocorticoid mimetics, methods of making them, pharmaceutical compositions, and uses thereof
42 6,870,055 T Isoquinolinone potassium channels inhibitors
43 6,852,734 T Indole derivatives exhibiting chymase-inhibitory activities and process for preparation thereof
44 6,844,357 T Substituted quinolin-2-one derivatives useful as antiproliferative agents
45 6,841,560 T Substituted isoquinoline derivatives and their use as anticonvulsants
46 6,815,465 T Heterocyclic compounds inhibiting angiogenesis
47 6,800,643 T Mixtures for organic compounds for the treatment of airway diseases
48 6,770,661 T Aryl substituted pyridines and their use
49 6,756,370 T Piperidine alcohols
50 6,713,645 T Substituted tricyclics

The results of the U.S. Patent Office search is evidence that the rejected recitation of the present claims is well understood by those of ordinary skill in the art. The applicants respectfully disagree with the Examiner's assertion that "What is allowed in the issued US patent data base is of no consequence to prosecution at hand." In fact, the terms and phrases of allowed U.S. patents in the chemical arts evidence a recognized understanding in the art by those of ordinary skill in the art, including patent applicants, scientists, engineers and Patent Examiners.

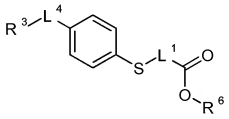
Withdrawal of the Section 112, second paragraph, rejection of claim 34 is requested.

The Section 112, first paragraph "enablement" , rejection of claims 31, 34-48 and 50 is obviated by the above amendments. Reconsideration and withdrawal of the rejection are requested after entry of the present Amendment.

The claims define compounds wherein R_1, R_2 and R_4 are H and L_3 is a single bond. The claims therefore focus the compounds of the claims on four examples of the

application (i.e., compounds **A, E, iv** and **ix**), for which synthesis and biological data are specifically exemplified.

More specifically, the claims define compounds of the following structure:

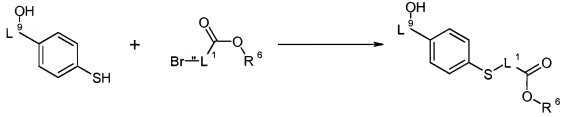


The applicants submit that one of ordinary skill in the art will be able to make and use the compounds of the claims without undue experimentation

A person ordinarily skilled in the art would not be under any undue burden to synthesize a range of compounds within the scope of the claims. The compounds covered by the claim having a core chemical structure that may be considered as a pharmacophore. This structure is a hydroxamic acid linked to a sulphur substituted aryl ring.

The variables of the claims would not require undue experimentation to synthesize, as they may be synthesized using appropriately chosen starting materials. Dorwald et al. recognizes this important factor when planning a synthetic strategy to the desired compounds in the introduction section 1.2.2.1. 'When planning a synthesis, the most suitable starting materials should be chosen.' It is clear that an ordinarily skilled organic chemist would be able to choose the appropriate starting materials when synthesizing a compound within the scope of the claims.

For example L^1 and R^6 may be varied through the choice of bromo ester starting material. The ordinarily skilled person, as an organic chemist, would be able to apply the example reactions such as example 3, step 2 on page 52, to the reaction of any bromo ester with 4-mercaptobenzyl alcohol with reasonable expectation of success. The general reaction scheme given below is derivable directly from the application.



In addition, the coupling of a mercaptobenzyl alcohol with a bromo ester in the synthesis of two examples that fall within the scope of the current claims, **A** and **E**, is performed under the same procedure and conditions in both cases with success despite having different L^1 and R^6 groups (see example 1, step 1 on page 49 for **A**, and example 3, step 2 on page 52 for **E**). This would indicate to the ordinarily skilled person in the art that this technique would be applicable to the formation of all variants of L^1 and R^6.

Similarly, L^4 and R^3 may be varied by applying the synthetic procedures of the application to the appropriate starting material. The coupling of an amine to an acyl halides as for the coupling to form the hydoxyamic acid R^3-L^4 section, such as in step 3, example 1 on page 29 and step 4 of example 2 on page 53, is a well-known reaction that the person ordinarily skilled in the art would apply to a variety of amines and acyl halides.

Reacting an amine with an acyl halide may not be the only way to achieve the hydroxamic acid group, but it is thought that the ordinarily skilled person would expect a reasonable chance of success given that acyl halides are the most reactive of acyl compounds.

The person ordinarily skilled in the art, as an organic chemist, would recognize that alternative synthetic methods may be employed to optimize the synthesis. These alternatives are readily known to the person ordinarily skilled in the art.

With regard to the Examiner's comments on the IC_{50} data given in Table 2 of page 57, the applicants believe the same as important data for the exemplification of the efficacy of the compounds. The examples that fall within the scope of the claims show low IC_{50} values for the inhibition of glyoxalase activity.

Data in Tables 2 and 3 are important because it clearly shows the usefulness of the four examples within the scope of the claims. Compounds **A** and **E** are active in the inhibition of glyoxalase (Table 2). The ester derivatives **iv** and **ix** are active in the cell cultures (Table 3). The data in table 3 therefore 'indicates that the ester compounds may be converted into active form in cell culture hence demonstrating their suitability for use as a prodrug compound', lines 24 to 27 on page 58.

The claims are submitted to be supported by an enabling disclosure and withdrawal of the Section 112, first paragraph "enablement", rejection is requested.

Entry of the present Amendment and allowance of all of the pending claims are requested.

The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

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